

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In The Matter Of:)	
)	Case Number 22-43998-399
Anna E. Franklin)	
)	
Robert M. Franklin Jr.)	Chapter 13
)	
Debtors,)	Objection to Confirmation filed by
)	Wilmington Savings Fund Society, FSB,
Wilmington Savings Fund Society, FSB,)	not in its individual capacity but solely
not in its individual capacity but solely as)	as Certificate Trustee of Bosco Credit
Certificate Trustee of Bosco Credit VI)	VI Trust Series 2012-1
Trust Series 2012-1)	
)	
Creditor,)	
)	

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

Comes now Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Certificate Trustee of Bosco Credit VI Trust Series 2012-1 ("Creditor") by its attorney and for its objection to confirmation of Debtor's Chapter 13 Plan and states as follows:

1. Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Certificate Trustee of Bosco Credit VI Trust Series 2012-1 is the holder of a Deed of Trust and Note secured by real property located at 11320 Larimore Rd, Saint Louis, MO 63138-2045. Said property is listed by the Debtors as an asset of the bankruptcy estate.

2. The approximate prepetition arrearages owed to Creditor are \$33,966.39. The approximate total pay off due to Creditor under the note is \$35,196.89.

3. The Chapter 13 Plan fails to provide for Creditor until such time that the Court orders the “strip off” treatment provided for in Part 5 of the Debtors’ Plan. Creditor is secured by a Deed of Trust encumbering real property of the Debtors and the note matured pre-petition such that creditor is entitled to interest of the unpaid balance absent the Court ordering otherwise.

WHEREFORE, Wilmington Savings Fund Society, FSB, not in its individual capacity but solely as Certificate Trustee of Bosco Credit VI Trust Series 2012-1 prays confirmation of the Chapter 13 plan filed by the Debtors be denied, that this case be dismissed for failure to propose a confirmable plan; and for such further orders as the Court deems just and proper.

Dated February 7, 2023

Respectfully Submitted,
Millsap & Singer, LLC

/s/ Adam G. Breeze

Cynthia M. Kern Woolverton, #47698, #47698MO
Adam G. Breeze, #60920, #60920MO
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Attorneys for Wilmington Savings Fund Society,
FSB, not in its individual capacity but solely as
Certificate Trustee of Bosco Credit VI Trust Series
2012-1

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on February 7, 2023, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court pursuant to CM/ECF as set out on the Notice of Electronic filing as issued by the Court or in the alternative has been served by depositing a true and correct copy of same enclosed in a postage prepaid, properly addressed envelope, in a post office official depository under the exclusive care and custody of the United States Postal Service on those parties directed by the Court on the Notice of Electronic Filing issued by the Court as required by the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court.

/s/ Adam G. Breeze

Electronic Mail Notice List

The following is the list of attorneys who are currently on the list to receive e-mail notices for this case.

Timothy Patrick Powderly

Diana S. Daugherty

Office of the United States Trustee

Manual Notice List

The following is a list of parties who are not on the list to receive e-mail notices for this case (who therefore require manual noticing).

Anna E. Franklin
Robert M. Franklin Jr.
11320 Larimore Rd.
Saint Louis, MO 63138